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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/536,686	03/28/2000	Yoshiko Sakagawa	48864-026	5237

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MCDERMOTT WILL & EMERY
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER

KIBLER, VIRGINIA M

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 02/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/536,686

Applicant(s)

SAKAGAWA ET AL.

Examiner

Virginia M Kibler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 6 is objected to because of the following informalities: “with” should be added after “guide image agrees” in line 19. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 2-5 and 7-9 are rejected under 35 U.S.C. 102(a) as being anticipated by Katayama et al. (US 2002/0081019).

Regarding claim 2, Katayama discloses a monitor for displaying the object (Figure 1), an image generator for generating a three-dimensional model image of the object in accordance with the three-dimensional data of the object obtained by the shooting (Page 3, para. 0082), and a display controller for displaying the three-dimensional model image as a guide image on the monitor for framing (Page 20, para. 0391).

Regarding claim 3, Katayama discloses a memory 1005 for memorizing the three-dimensional data of the object obtained by shooting (Figure 15).

Regarding claim 4, Katayama discloses the image generator generates the three-dimensional model image in accordance with the data memorized in the memory (Page 10, para. 0197-0198).

Regarding claim 5, Katayama discloses displaying an image of a three-dimensional shape model having a shape substantially identical to the object as a guide for framing on the monitor screen (Page 3, para. 0082). Katayama also discloses framing in accordance with the guide image and shooting the object after the framing is performed (Page 20, para. 0391).

Regarding claim 7, Katayama discloses performing shooting at a plurality of positions different from each other with respect to the object (Page 3, para. 0082).

Regarding claim 8, Katayama discloses retrieving the shape model from memory (Page 10, para. 0198).

Regarding claim 9, Katayama discloses storing or “memorizing” the images of the three-dimensional shape model (Page 10, para. 0197).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 6, 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katayama et al. (US 2002/0081019) in view of Lanne et al. (4,663,658).

Regarding claim 1, Katayama et al. ("Katayama") discloses generating image data of the three-dimensional shape model in accordance with the three-dimensional data inputted from a part of the object, the image corresponding to the shape of the three-dimensional data (Page 3, para. 0082). Katayama also discloses displaying the image of the three-dimensional shape model on the monitor screen as a guide image for framing and shooting the object after the framing is performed (Page 20, para. 0391). Katayama does not disclose performing the framing so that the guide image is overlapped on the image of the object image that corresponds to the guide image. However, Lanne et al. ("Lanne") teaches that it is known to perform framing so that the guide image is overlapped on the object image (Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the framing disclosed by Katayama to include overlapping the guide image on the object image, as taught by Lanne, in order to assist in positioning.

Regarding claim 6, Katayama does not disclose matching the image of the input portion with the guide image so that the scale of the guide image agrees with the scale of the object. However, Lanne teaches that it is known to match the image of the input portion with the guide image so that the scales agree (Col. 1, lines 39-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the framing disclosed by Katayama to include the matching, as taught by Lanne, in order to assist in positioning.

Regarding claim 10, the arguments analogous to those presented above for claim 1 are applicable to claim 10. Katayama discloses memorizing attribute information in a memory 730, the attribute information being about data of a three-dimensional shape model having a shape that is substantially the same as the shape of the object and a position for observing the three-

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dimensional shape model (Page 8, para. 0167). Katayama also discloses displaying the image of the three-dimensional shape model as a guide image for framing on the monitor screen in accordance with the attribute information and shooting the object after the framing is performed (Page 20, para. 0391).

Regarding claim 11, the arguments analogous to those presented above for claim 6 are applicable to claim 11.

Regarding claim 12, the arguments analogous to those presented above for claim 7 are applicable to claim 12.

Regarding claim 13, Katayama discloses a monitor for displaying the object (Figure 1), a first memory for memorizing an attribute information about data of a three-dimensional shape model having a shape that is similar to the shape of the object and a position for observing the three-dimensional shape model (Page 8, para. 0167), a display controller for displaying the image of the three-dimensional shape model as a guide image on the monitor in accordance with the attribute information (Page 20, para. 0391). Katayama does not recognize displaying the image for scaling. However, Lanne teaches that it is known to display a guide image for scaling (Col. 1, lines 39-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the display controller disclosed by Katayama to include scaling, as taught by Lanne, in order to further assist in positioning.

6. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katayama et al. (US 2002/0081019) in view of Lanne et al. (4,663,658) in further view of Kondo et al. (6,424,877).

Regarding claim 14, the arguments analogous to those presented above for claim 11 are applicable to claim 14. Katayama discloses a processor 220 (Figure 3). Katayama and Lanne do not recognize changing the scale of the guide image in accordance with matching. However, Kondo et al. ("Kondo") teaches that it is known to adjust the size or "scale" (Figure 11, S212). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the matching of the object with the guide image disclosed by Katayama and Lanne to include scale changing, as taught by Kondo, in order to match the images.

Regarding claim 15, the arguments analogous to those presented above for claim 3 are applicable to claim 15.

Regarding claim 16, the arguments analogous to those presented above for claim 4 are applicable to claim 16.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,281,901 to Firman et al. for interactive overlay for displaying 3-D data;

U.S. Pat. No. 6,363,169 to Ritter et al. for three-dimensional modeling; and

U.S. Pat. No. 6,031,941 to Yano et al. for three-dimensional model data forming.

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Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Virginia M Kibler whose telephone number is (703) 306-4072. The examiner can normally be reached on Mon. - Thurs. 8:00 - 5:30 and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (703) 308-6604. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

VK
February 3, 2003


AMELIA M. AU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600